

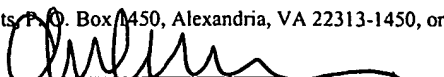


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PATENT
Docket No. 529452000120

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 17, 2004


Christine Donahue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

David W. MORRIS et al.

Serial No.: 10/035,832

Filing Date: December 26, 2001

For: NOVEL COMPOSITIONS AND
METHODS FOR CANCER

Examiner: Not Yet Assigned

Group Art Unit: 1642

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in an International Search Report mailed on July 26, 2004 and directed to counterpart international applications.

This Supplemental Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

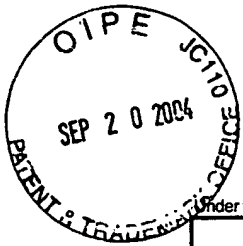
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 529452000120. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 16, 2004

Respectfully submitted,

By: 
Shantanu Basu
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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | | |
|---|----------------------|------------------------|--------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/035,832 | |
| | Filing Date | December 26, 2001 | |
| | First Named Inventor | David W. MORRIS | |
| | Art Unit | 1642 | |
| | Examiner Name | Not Yet Assigned | |
| Total Number of Pages in This Submission | 6 + 5 Refs | Attorney Docket Number | 529452000120 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 + copy (2 pages) 2. Five (5) references 3. Return postcard |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

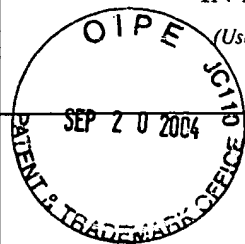
| | |
|-------------------------|--|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25226) Shantanu Basu - 43,318 |
| Signature | |
| Date | September 16, 2004 |

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Dated: September 17, 2004

Signature: (Christine Donahue)

| | | |
|--|-------------------------------------|-------------------------------|
| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | Docket Number 529452000120 | Application Number 10/035,832 |
| | Applicant David W. MORRIS et al. | |
| | Filing Date December 26, 2001 | Group Art Unit 1642 |
| | Mailing Date September 17, 2004 | |



U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------------|--------------|----------------|-------|----------|----------------------------|
| | 1. | 06/02/1998 | 5,759,776 | Smith et al. | | | |
| | 2. | 07/07/1998 | 5,776,683 | Smith et al. | | | |
| | 3. | 07/27/1999 | 5,928,870 | Lapidus et al. | | | |
| | 4. | 06/13/2000 | 6,074,825 | Rundell et al. | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|------|--------------|---------|-------|----------|--------------------|
| | | | | | | | |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|---|
| | 5. | International Search Report mailed on July 26, 2004, for PCT patent application no. PCT/US02/38582, filed on December 2, 2002, 8 pages. |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.